

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Raquel Velasquez	Team: Squad #4	CCRB Case #: 201709579	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/16/2017 3:05 PM	Location of Incident: 24 West 135th Street	Precinct: 32	18 Mo. SOL 5/16/2019	EO SOL 5/16/2019	
Date/Time CV Reported Mon, 11/20/2017 11:26 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 11/20/2017 11:26 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Andrew Nash	05497	950935	032 PCT
2. LT Filastin Srour	00000	933550	032 PCT
3. POM John Woo	28328	954431	032 PCT
4. POM Richard Hanson	20219	954916	032 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Elian Flores	07018	956650	032 PCT
2. POM Thomas Harper	20275	954917	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM John Woo	Abuse: Police Officer John Woo stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Richard Hanson	Abuse: Police Officer Richard Hanson stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM John Woo	Abuse: Police Officer John Woo questioned § 87(2)(b)	
D.POM John Woo	Abuse: Police Officer John Woo searched § 87(2)(b)	
E.DTS Andrew Nash	Abuse: Detective Andrew Nash frisked § 87(2)(b)	
F.DTS Andrew Nash	Abuse: Detective Andrew Nash searched § 87(2)(b)	
G.POM John Woo	Abuse: Police Officer John Woo searched the vehicle in which § 87(2)(b) was an occupant.	
H.POM Richard Hanson	Abuse: Police Officer Richard Hanson searched the vehicle in which § 87(2)(b) was an occupant.	
I.LT Filastin Srour	Abuse: Lieutenant Filastin Srour searched the vehicle in which § 87(2)(b) was an occupant.	
J.DTS Andrew Nash	Abuse: Detective Andrew Nash searched the vehicle in which § 87(2)(b) was an occupant.	
K.DTS Andrew Nash	Abuse: Detective Andrew Nash refused to provide his name and shield number to § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Case Summary

On November 20, 2017, § 87(2)(b) filed this complaint with the CCRB via telephone.

On November 16, 2017, at approximately 3:05 p.m., Police Officer John Woo and Police Officer Richard Hanson stopped, from the 34th Precinct, the vehicle occupied by § 87(2)(b) and § 87(2)(b) in front of 24 West 135th Street in Manhattan (**Allegations A and B: Abuse of Authority- Vehicle Stop, § 87(2)(g)**). PO Woo asked § 87(2)(b) what he was on probation for (**Allegation C: Abuse of Authority- Question, § 87(2)(g)**). Detective Andrew Nash and Lieutenant Filastin Srour, also from the 34th Precinct, arrived. § 87(2)(b) and § 87(2)(b) were removed from the vehicle. PO Woo allegedly searched § 87(2)(b)'s pockets (**Allegation D: Abuse of Authority- Search of Person, § 87(2)(g)**). Det. Nash frisked § 87(2)(b) (**Allegation E: Abuse of Authority- Frisk, § 87(2)(g)**) and allegedly searched his pockets (**Allegation F: Abuse of Authority- Search of Person, § 87(2)(g)**). PO Woo, PO Hanson, and Lt. Srour allegedly searched § 87(2)(b)'s vehicle (**Allegations G, H, and I: Abuse of Authority- Vehicle Search, § 87(2)(g)**). Det. Nash then searched § 87(2)(b)'s vehicle, including the trunk (**Allegation J: Abuse of Authority- Vehicle Search, § 87(2)(g)**). Det. Nash allegedly did not provide his name and shield number to § 87(2)(b) (**Allegation K: Abuse of Authority- Refusal to provide Name/Shield Number, § 87(2)(g)**). § 87(2)(g), § 87(4-b)

§ 87(2)(b) was arrested for § 87(2)(b) (Board Review 17).

There is no video evidence related to this case.

Allegation A: Abuse of Authority: Police Officer John Woo stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation B: Abuse of Authority: Police Officer Richard Hanson stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation C: Abuse of Authority: Police Officer John Woo questioned § 87(2)(b)
It is undisputed that PO Woo and PO Hanson stopped § 87(2)(b)'s vehicle and that PO Woo questioned § 87(2)(b) about the details of his probation.

§ 87(2)(b) stated that he and a friend, § 87(2)(b) were headed to his home located at § 87(2)(b) in Manhattan. § 87(2)(b) drove a 2014 black Ford Taurus. The car is registered to him and has a New Jersey license plate. The car used to be a police car. The car did not have any police marking, but it did have antennas throughout the exterior of the car and dark tints. § 87(2)(b) purchased damaged police vehicles, fixes them, and then resells them. All of the car windows were down and § 87(2)(b) did not commit any traffic infractions. A black Ford Fusion signaled him to pull over and § 87(2)(b) pulled over. § 87(2)(b) retrieved his registration from the visor in front of him and his New Jersey license from his wallet which was on top of the dashboard. § 87(2)(b) had his documents in his hands. PO Woo approached the passenger side

while PO Hanson approached the driver side. PO Woo asked § 87(2)(b) “Are you on the job?” § 87(2)(b) responded, “No, I’m not a police officer.” PO Woo asked, “What’s up with all of these antennas?” § 87(2)(b) responded, “They came with the car.” PO Woo then asked, “Are they connected to any radios?” § 87(2)(b) responded no. PO Woo mentioned that § 87(2)(b) made an improper turn, took the documents, and ran § 87(2)(b)’s information via a cellphone. PO Woo told § 87(2)(b) to exit the car and § 87(2)(b) refused. § 87(2)(b) explained why he was in the area and PO Woo then asked § 87(2)(b) what he was on probation for (**Board Review 01**).

§ 87(2)(b) was unavailable to the investigation. Searches were conducted which yielded negative results and § 87(2)(b) refused to provide § 87(2)(b)’s contact information.

PO Woo stated that he and PO Hanson were driving when they observed § 87(2)(b)’s vehicle make a left without signaling. The vehicle also had equipment that resembled an unmarked vehicle, such as a push rod in the front (used to push a car in front), approximately four small antennas towards the back of the roof of the car (which are used by highway patrol), and a GPS circle (the size of a hockey puck) on the trunk. PO Woo believed the vehicle also had a light by the driver used as a spotlight. The officers believed that the vehicle was an unmarked car, but it had a New Jersey license plate. PO Woo then suspected that the vehicle was either from New Jersey police or impersonating the police. The officers decided to pull the vehicle over for failing to signal, but also investigate the possibility of police impersonation. They signaled a car stop and § 87(2)(b) complied. The officers requested an additional unit as soon as they made the stop because there were two people in the car. PO Hanson approached the driver side. PO Woo approached the passenger side. PO Woo did not recall if the windows of the car were up or down. PO Hanson asked § 87(2)(b) for his license, registration, and insurance card, and § 87(2)(b) provided the documents. The license was from New Jersey. PO Hanson also inquired about the police equipment on the car. § 87(2)(b) stated something along the lines on, “I bought it this way.” PO Hanson asked, “Why do you still have this stuff on?” PO Woo believed § 87(2)(b) responded, but he did not recall what he said.

PO Woo asked § 87(2)(b) if he was on the job and § 87(2)(b) said no. PO Woo believed he asked § 87(2)(b) additional questions, but he did not recall what they were and § 87(2)(b) was responsive. PO Woo determined § 87(2)(b) was annoyed and “a little hostile” because he rushed his answers and was snappy. Aside from the features of § 87(2)(b)’s vehicle, there was nothing else that indicated that § 87(2)(b) was impersonating a police officer. PO Woo walked to the driver side and obtained § 87(2)(b)’s license from PO Hanson. There was no conversation between PO Hanson and PO Woo. PO Woo checked § 87(2)(b)’s information through his department cellphone. The results came back 2 to 3 minutes later. While waiting for the results, they asked who the passenger was. § 87(2)(b) stated that he was giving § 87(2)(b) a ride home. PO Woo asked § 87(2)(b) how he knew § 87(2)(b) where he was picking him up from, and where he was driving him to. § 87(2)(b) responded that § 87(2)(b) picked him up somewhere on West 125th Street

and was driving him back to “The Heights.” § 87(2)(b) mentioned that he was either on probation or parole. PO Woo asked § 87(2)(b) what he was on probation or parole for. § 87(2)(b) responded for § 87(2)(b). PO Woo asked this question because he was curious. This question was not for investigatory purposes. There were no follow-up questions regarding this. No other questions were asked (**Board Review 02**).

PO Hanson also stated that § 87(2)(b) made a left turn without signaling. PO Hanson provided the same features of § 87(2)(b)'s car that resembled an unmarked car. Besides the appearance of § 87(2)(b)'s car, there was nothing else that made him believe that the car was possibly involved in police impersonation. PO Hanson did not believe that he noted the car stop over the radio. PO Hanson asked § 87(2)(b) for his driver license, registration, and insurance card approximately three times, but he did not know over the course of how long. § 87(2)(b) refused multiple times by not providing his documentation and asking why he had been pulled over. PO Hanson replied that he would inform § 87(2)(b) after he provided his documentation. PO Hanson did not have any other conversation with § 87(2)(b). PO Hanson did not ask § 87(2)(b) any questions about the appearance of his car. PO Hanson did not know if any other officer questioned § 87(2)(b) about the appearance of his car. PO Hanson did not and did not hear any officer ask § 87(2)(b) about the antennas on his car, if the antennas were connected to radios, or if he was a police officer. PO Hanson did not mention that the car smelled of marijuana and he did not recall hearing any officer making this remark. PO Hanson did not recall smelling marijuana in § 87(2)(b)'s car. PO Hanson did not recall PO Woo saying anything to § 87(2)(b). PO Hanson did not ask § 87(2)(b) what he was on probation for and he did not know if another officer asked § 87(2)(b) this question (**Board Review 03**).

No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided. (b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning. New York State Vehicle Traffic Law Article 28, Section 1163 (a)(b) (**Board Review 07**) No person shall operate any motor vehicle upon any street with side windows of which on either side forward of or adjacent to the operator's seat are composed of, covered by or treated with any material which has a light transmittance of less than seventy percent. New York State Vehicle Traffic Law Article 9, Section 375 12 (b)(2) (**Board Review 08**) When an officer has probable cause to believe the driver of an automobile has committed a traffic violation, a stop of the driver's automobile—even a pretextual stop—is lawful. People v. Robinson, 97 N.Y.2d 341 (2001) (**Board Review 09**) An officer, acting under the common law right of inquiry, may ask pointed and accusatory questions of an individual when the officers possesses a founded suspicion that criminality is afoot. New York v. Hollman, 79 N.Y.2d 181 (1992) (**Board Review 10**)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation D: Abuse of Authority- Police Officer John Woo searched § 87(2)(b)

Allegation E: Abuse of Authority- Detective Andrew Nash frisked § 87(2)(b)

Allegation F: Abuse of Authority- Detective Andrew Nash searched § 87(2)(b)

§ 87(2)(g)

It is undisputed, however, that Det. Nash frisked § 87(2)(b)

§ 87(2)(b) stated that as PO Woo spoke, Det. Nash approached the driver side, stuck his hand through the window, and grabbed § 87(2)(b)'s left wrist. Det. Nash unlocked the car door with his other hand. Det. Nash then opened the door and pulled § 87(2)(b) out of the car by his left wrist. § 87(2)(b) exited the car. Det. Nash handcuffed § 87(2)(b) and brought him to the rear of his car. § 87(2)(b) was simultaneously removed from the car. PO Woo entered § 87(2)(b)'s pockets and placed a cellphone, cigarettes, a lighter, and money on the roof of § 87(2)(b)'s car. He was not sure how long the search lasted. § 87(2)(b) wore a hoodie with no pockets, sweatpants with one pocket on each thigh, and sneakers. He had keys in his right sweatpants pockets. Det. Nash patted § 87(2)(b)'s sweatpants pockets and then flipped them inside out. Det. Nash saw keys and placed them back inside. Det. Nash also patted § 87(2)(b)'s chest, back, and legs. He did not recall the order of the pat down, but stated that it was "brief" (**Board Review 01**).

PO Woo stated that Det. Nash and Lt. Srour arrived approximately two minutes later and that the results of § 87(2)(b)'s license came back around the same time and revealed that his rights to drive in New York State were revoked. PO Woo told the officers the reason for the car stop, noted the equipment on the car, that § 87(2)(b) stated he was not a police officer and that he had purchased the car in the way that it appeared. PO Woo did not recall what Det. Nash and Lt. Srour said in response. PO Woo did not recall if he was given any instructions; however, § 87(2)(b) was going to be placed under arrest for the revoked license. The car was registered to § 87(2)(b) so § 87(2)(b) was released. PO Woo believed he told § 87(2)(b) that he was free to go. PO Woo did not and did not see any officer search § 87(2)(b)'s pockets. Det. Nash spoke to § 87(2)(b) but PO Woo did not hear their conversation because he moved to the passenger side of the vehicle. § 87(2)(b) shouted, "Why am I being stopped?" Det. Nash told § 87(2)(b) "Step out of the vehicle." PO Woo did not recall if § 87(2)(b) responded, but he initially did not comply. Det. Nash opened the driver side door and stated, "Come out of the vehicle." § 87(2)(b) complied. PO Woo did not recall if any officer made physical contact with § 87(2)(b) to have him exit the car. PO Woo believed Det. Nash frisked § 87(2)(b) on the driver side, as soon as § 87(2)(b) was removed from the vehicle and while PO Woo was at the passenger side. PO Woo believed Det. Nash frisked § 87(2)(b)

§ 87(2)(b)'s waistline, pockets, legs, and the exterior of his garments. § 87(2)(b)'s legs were patted because weapons can be concealed in ankles. PO Woo did not recall seeing Det. Nash enter § 87(2)(b)'s pockets or removing items from inside. PO Woo did not recall if Det. Nash patted § 87(2)(b)'s chest or back. PO Woo did not recall what § 87(2)(b) wore. PO Woo explained that, when officers pull someone out of a vehicle, officers frisk them for their safety before beginning their investigation of the vehicle. He further explained that officers want to make sure that whoever is in the vehicle does not have any weapons on them (**Board Review 02**).

PO Hanson stated that Det. Nash and Lt. Srouer arrived on scene at some point. PO Hanson did not notify them of the car stop and he was unaware whether PO Woo notified them. Det. Nash approached the driver side window and PO Hanson moved closer to the front of the car. PO Hanson did not recall Det. Nash's and § 87(2)(b)'s conversation. PO Hanson did not know what § 87(2)(b)'s demeanor was during his interaction with Det. Nash because he was away from the window. Approximately one minute later, Det. Nash escorted § 87(2)(b) out of the car. PO Hanson believed that Det. Nash grabbed § 87(2)(b)'s wrist and § 87(2)(b) exited the car. § 87(2)(b) was a little irate and loud by having a higher pitch voice; he did not recall what § 87(2)(b) said. PO Hanson and Det. Nash escorted § 87(2)(b) to the rear of his car. § 87(2)(b) was also removed from the car. PO Hanson believed § 87(2)(b) was frisked because it is their protocol to check for weapons for officer safety when removing individuals from a car. However, PO Hanson later stated that he did not recall whether or not § 87(2)(b) was frisked and PO Hanson denied doing so himself. When asked whether he suspected that § 87(2)(b) had weapons, PO Hanson responded that "anyone can have anything." However, there was nothing specific about § 87(2)(b) that made PO Hanson believe that he could have weapons and he reiterated that it was just protocol for the safety of everyone on scene. PO Hanson did not see any bulges on § 87(2)(b) but he also did not recall what he wore. PO Hanson denied frisking § 87(2)(b) or seeing any officer doing so. No officer searched § 87(2)(b)'s or § 87(2)(b)'s pockets (**Board Review 03**).

§ 87(2)(g). Det. Nash believed the car stop was either noted over the radio or that they saw the car stop while driving around. Det. Nash also provided the features of § 87(2)(b)'s car that resembled those of an unmarked car. The officers conducting the car stop asked § 87(2)(b) for identification and § 87(2)(b) refused to provide it. Det. Nash did not hear the officers ask § 87(2)(b) any other question. Det. Nash did not speak to the officers. Det. Nash approached the driver side and asked § 87(2)(b) for his identification. § 87(2)(b) stated that he did not have to provide one and that he did not have to identify himself. Det. Nash asked § 87(2)(b) if he was a police officer. § 87(2)(b) said that he did not have to answer any questions. Det. Nash did not ask any other questions. Det. Nash then instructed § 87(2)(b) to exit the car. § 87(2)(b) stated that he did not have to exit his car. Det. Nash opened the driver side door by pulling on the exterior handle. Det. Nash grabbed § 87(2)(b)'s wrist and told him to step out. § 87(2)(b) complied. § 87(2)(b) turned around and placed his hands behind his back on his own. Det. Nash handcuffed him. Det. Nash did not

place his hand through the window, unlock the door, and open the door through the interior of the car. Det. Nash did not place his hand through the window and grab § 87(2)(b)'s wrist. Det. Nash patted § 87(2)(b)'s waistband and across his chest. Det. Nash did not believe he patted § 87(2)(b)'s back. Det. Nash frisked § 87(2)(b) because § 87(2)(b) did not want to identify himself and Det. Nash did not know if he was a police officer. Det. Nash was concerned for his safety because he did not know if § 87(2)(b) had a weapon and believed he could have been concealing something, like his identity or a weapon. There were no other reasons why Det. Nash frisked § 87(2)(b). Det. Nash did not notice any bulges on § 87(2)(b)'s pockets. Det. Nash did not know what § 87(2)(b) wore. Det. Nash did not enter § 87(2)(b)'s pockets. § 87(2)(b) was also removed from the car and taken to the rear. Det. Nash did not and did not see any officer frisk § 87(2)(b) enter his pockets or remove items from his pockets (**Board Review 04**).

Lt. Srour stated that there were no passengers in § 87(2)(b)'s vehicle when she arrived and she did not believe she was informed that there was a passenger present. Lt. Srour did not see any other individual being frisked or searched. According to Lt. Srour, Det. Nash frisked and searched § 87(2)(b) after he was placed under arrest (**Board Review 05**).

To frisk a person, an officer must have reasonable suspicion that a person stopped is armed and dangerous. People v. DeBour, 40 N.Y. 2d 210 (1976) (**Board Review 11**). Such suspicions should be supported by observations or factors, such as a noticeable bulge. People v. Isaac, 107 A.D.3d 1055 (2013) (**Board Review 12**). Behavior which is susceptible of innocent as well as culpable interpretation does not constitute probable cause. It is equally true that innocuous behavior alone will not generate a founded or reasonable suspicion that a crime is at hand. People v. Ocasio, 119 A.D.2d 21 (**Board Review 15**)

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation G: Abuse of Authority- Police Officer John Woo searched the vehicle in which § 87(2)(b) was an occupant.

Allegation H: Abuse of Authority- Police Officer Richard Hanson searched the vehicle in which § 87(2)(b) was an occupant.

Allegation I: Abuse of Authority- Lieutenant Filastin Srour searched the vehicle in which § 87(2)(b) was an occupant.

Allegation J: Abuse of Authority- Detective Andrew Nash searched the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that Det. Nash searched § 87(2)(b)'s vehicle. § 87(2)(g)

§ 87(2)(b) stated that while being frisked and search, PO Woo, PO Hanson, and Lt. Srour searched § 87(2)(b)'s car. § 87(2)(b) did not see specifically which officer stood at either side of the car nor what the officers did inside his car. However, he did hear the glove compartment being opened. § 87(2)(b) stood with his back against his car during the car search. The car search lasted approximately three minutes. Det. Nash and another officer remained in the rear of the car with § 87(2)(b). Approximately three minutes later, Det. Nash removed the handcuffs from § 87(2)(b). PO Woo approached and escorted § 87(2)(b) to the front of his car and told him to sit inside. Det. Nash remained at the rear of § 87(2)(b)'s car, opened the trunk, and searched it. § 87(2)(b) observed the search of the trunk through one of the car mirrors. § 87(2)(b) had sealed mail envelopes and a shiny gold knife in the trunk. The envelopes were scattered in the trunk. The knife was in a closed compartment where the spare tire is located. The knife was about 5 to 6 inches long. The knife opened up and had a blade about 3 to 4 inches long and a handle also 3 to 4 inches long. § 87(2)(b) used the knife for work. During the search of the trunk, PO Woo and PO Hanson stood by the driver side window of § 87(2)(b)'s car. Det. Nash grabbed the knife, opened it, and then dropped it back in the trunk. Lt. Srour grabbed one of the sealed envelopes and opened it. Det. Nash and Lt. Srour finished searching the trunk and closed it. PO Woo returned § 87(2)(b) his documents and car keys, and told § 87(2)(b) that he could be on his way. § 87(2)(b) told PO Woo that he wanted Det. Nash's identification. PO Woo walked to the rear of the car and spoke to Det. Nash. Det. Nash then reopened the trunk, pulled out the knife, and played with it. The officers mumbled amongst each other. PO Flores then arrived, approached § 87(2)(b) and told him that he was under arrest for criminal possession of a weapon. PO Flores later relayed that his driving privileges in New York were suspended; he was unaware of this (**Board Review 01**).

Det. Nash stated that, after frisking § 87(2)(b) he re-approached the driver side of the car and searched the "lunge-able" areas of the driver seat. Det. Nash searched anywhere § 87(2)(b) could reach as he was a "big guy" standing at approximately 6'3" tall and weighing 235 pounds. Det. Nash searched the front, back, and sides of the driver seat and front passenger seats, inside the doors, and he opened the glove box. Det. Nash believed he did all of this through the driver side. Det. Nash believed he also opened the rear driver side door and checked underneath both the driver and front passenger seats. Det. Nash did not enter through any other door. Det. Nash found a mask (which was half-faced and black and red) on the car floor behind the front passenger seat. Det. Nash noticed the mask when he first approached the car. Because § 87(2)(b)'s car looked like a police vehicle and he had a mask, Det. Nash's suspicion that § 87(2)(b) could possibly be impersonating a police officer

and committing a robbery had risen. § 87(2)(b) was not questioned about the mask. Det. Nash did not mention the discovery of the mask to the rest of the officers until after § 87(2)(b) was placed under arrest. The search of the car lasted three minutes. Det. Nash then instructed § 87(2)(b) to sit in the driver seat of his car because they were all standing in the roadway and he knew there was nothing in car so it was safer to have § 87(2)(b) sit inside. § 87(2)(b) was no longer in handcuffs.

Det. Nash added that he obtained the car keys from the ignition and opened the trunk. Det. Nash searched the trunk because it was possible that weapons were concealed inside. There was a knife on the left side of the trunk; the knife was not hidden. The knife was a folding knife with a blade about 4 ½ inches long, and it was black and silver. Det. Nash did not believe he grabbed the knife. Det. Nash did not test the knife to see if it was illegal. Det. Nash did not observe if PO Hanson tested the knife at the scene, as noted on the Criminal Court Complaint. There were other items in the trunk (a pair of sneakers and shirts); He was not sure what else was in the trunk. Det. Nash moved some of the clothes to see if a weapon was concealed. Det. Nash did not recall if there were envelopes in the trunk. Det. Nash did not and did not see any officer open sealed envelopes. He searched the trunk for approximately 2 to 3 minutes. Lt. Srour was at the rear while he searched the trunk. Det. Nash notified the rest of the officers that there was a knife in the trunk. Det. Nash believed he was the only officer who entered and searched the car. No other officer searched the trunk. After searching the car, he ran the information on § 87(2)(b)'s license via a cellphone. § 87(2)(b) was not yet considered under arrest. Det. Nash did not recall who obtained § 87(2)(b)'s identification. The results came back within five minutes and revealed that § 87(2)(b) had a suspended license. He was subsequently placed under arrest (**Board Review 04**).

§ 87(2)(g) PO Woo denied searching § 87(2)(b)'s vehicle. He did not recall seeing any other officer, besides Det. Nash, searching the vehicle. PO Woo did not see where in the vehicle Det. Nash searched. PO Woo did not see Det. Nash search the glove compartment, but believed that he did because it is a grabbable area. Nothing was found in the interior of the vehicle. The trunk of § 87(2)(b)'s vehicle was opened, but he did not recall how or by whom. The trunk was searched because people who impersonate police officers usually keep equipment (such as fake shields or loaded firearms) in the trunk. PO Woo added that they had already determined § 87(2)(b) was going to be placed under arrest for the revoked license before the trunk was searched. PO Woo saw approximately ten envelopes and a Velcro patch (half the size of an 8 ½" by 11 ½" sheet of paper) that read some along the lines of "Fugitive," in the trunk. PO Woo did not see any other items. PO Woo remained at the trunk while Det. Nash searched it. Det. Nash found a ski mask and a gold gravity knife. PO Woo did not see these items when the trunk was first opened. He believed the gravity knife was found towards the back of the trunk. Officer confirmed that it was a gravity knife because someone, he did not recall who, tested the knife. PO Woo did not and did not see any officer open the envelopes that were in the trunk or remove them from the trunk. PO Woo did not and did not see any other officer search the trunk of the car. After the search of the trunk, § 87(2)(b) was handcuffed. Lt. Srour called PO Flores to take the arrest. He believed PO Flores told § 87(2)(b) that he was under arrest (**Board Review 02**).

PO Hanson did not search § 87(2)(b)'s car. PO Hanson did not recall seeing any officer searching § 87(2)(b)'s car. PO Hanson recalled the trunk being opened towards the end of the incident, but he did not recall specifically when. PO Hanson did not recall whether the trunk was opened before or after it was discovered that § 87(2)(b) had a suspended license. Det. Nash searched the trunk. No other officer searched the trunk. PO Hanson did not recall if a facemask was recovered from § 87(2)(b)'s car. A gravity knife was recovered from the trunk by Det. Nash. PO Hanson did not see the gravity knife. PO Hanson did not recall if any officer tested the gravity knife at the scene. He did not recall the description of the gravity knife. PO Hanson did not know how it was confirmed that the knife was a gravity knife. PO Hanson was shown a copy of the criminal court complaint which indicates that he tested the gravity knife. PO Hanson did not recall testing the knife at the scene or at the stationhouse (**Board Review 03**).

Lt. Srour stated that officers, he did not recall which ones, looked through § 87(2)(b)'s car before entering it to drive it to the stationhouse. Officers looked through the front windows from the outside of the vehicle and looked on the car floor around the area they were going to be sitting inside. Lt. Srour did not recall whether more than one officer looked through the car. Lt. Srour did not and did not see any officer search the glove compartment of the car. Lt. Srour did not and did not see officers enter the car through any other doors. Lt. Srour did not see the trunk of the car open at the incident location. Lt. Srour did not recall seeing any officer searching the trunk of the car at the incident location. Lt. Srour denied searching the trunk of the car (**Board Review 05**).

PO Flores did not and did not see any officer search § 87(2)(b)'s car. PO Flores did not recall if the trunk was open while she was present at the incident location (**Board Review 06**).

A black Zan headgear face mask and two antennas found on middle of roof top were vouchered for investigatory purposes (**Board Review 18**).

A person is guilty of criminal impersonation when he pretends to be a police officer or wears or displays without authority any uniform, badge or other insignia or facsimile thereof, by which such police officer is lawfully distinguished or expresses by his words or actions that he is acting with the approval or authority of any police department. New York State Penal Law 190.26 (a)(1) (**Board Review 13**)

An officer may not enter the interior of a vehicle without probable cause once its occupants have been removed and patted down without any incident. However, if facts obtained during the course of the stop indicate there may be a weapon contained in the vehicle that poses a direct, specific, and immediate threat to the officer, the officer may search the vehicle after the occupant is removed. This exception requires “a substantial likelihood” that the vehicle contains a weapon that results in “actual and specific” danger to the officer’s safety. People v Baksh, 113 A.D.3d 626 (**Board Review 16**)

An officer can search a vehicle without a warrant if he has probable cause to believe that contraband, evidence of a crime, a weapon or some means of escape lies therein, People v. Smith, 949 N.Y.S.2d 474 (N.Y. App. Div. 2nd Dept. 2012) (**Board Review 24**)

An officer must have probable cause to search the vehicle of an arrested individual and there must exist a nexus between the arrest and the probable cause to search. People v. Galak, 81, N.Y.2d 463 (1993) (**Board Review 25**)

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation K: Abuse of Authority- Detective Andrew Nash refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) stated that, while being frisked and searched, he asked Det. Nash, “I want to see your badge. I want to get your badge number and your name.” Det. Nash did not respond. Throughout the incident and during the car search, § 87(2)(b) stated that he asked for and wanted Det. Nash’s name and shield number (**Board Review 01**).

Det. Nash did not recall § 87(2)(b) asking for his name or shield number at the incident location (**Board Review 04**).

PO Woo stated that while at the rear of § 87(2)(b)’s car, § 87(2)(b) asked PO Woo, “What is his name? White guy... The guy that asked me to step out of the vehicle?” referring to Det. Nash. PO Woo responded, “You could ask him yourself.” However, PO Woo did not hear § 87(2)(b) ask Det. Nash for his name. PO Woo did not hear § 87(2)(b) ask officer for their names or shield numbers (**Board Review 02**).

PO Hanson stated that § 87(2)(b) did not ask any officer for their names and shield numbers (**Board Review 03**).

Lt. Srour believed that § 87(2)(b) asked Det. Nash for his name as soon as they arrived while Det. Nash spoke to § 87(2)(b). § 87(2)(b) was upset that he was going to be placed under arrest and said that he wanted Det. Nash's name. Det. Nash then provided his name. Lt. Srour did not recall if § 87(2)(b) also asked Det. Nash for his shield number (**Board Review 05**).

PO Flores also did not hear § 87(2)(b) ask any officer for their names or shield numbers (**Board Review 06**).

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to one other CCRB complaint (**Board Review 20**):
 - § 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 21**):
- Police Officer John Woo has been a member of service for 6 years and has been a subject in 3 CCRB complaints and 4 allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Richard Hanson has been a member of service for 5 years and has been a subject in 1 CCRB complaint and 2 allegations, none of which were substantiated. § 87(2)(g)
- Detective Andrew Nash has been a member of service for 7 years and has been a subject in 3 CCRB complaints and 10 allegations, of which one was substantiated. § 87(2)(g)

- Case no. 201707784 involved a substantiated allegation of interference with recording. The Board recommended Command Discipline A and the NYPD has not yet imposed discipline.
- Lieutenant Filastin Srour has been a member of service for 15 years and has been a subject in 8 CCRB complaints and 19 allegations, of which six were substantiated. § 87(2)(g)
- Case no. 200500348 involved substantiated allegations of refusal to provide name/shield number, abuse (other), and discourtesy (word). The Board recommended Charges and the NYPD issued Instructions.
- Case no. 200508600 involved substantiated allegations of refusal to provide name/shield number, discourtesy (word), and seizure of property. The Board recommended Command Discipline and the NYPD issued Instructions.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of August 17, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**Board Review 22**).

● [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date